

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
GENCO IMPORTING INC. D/B/A MANITOBA'S

Index No. 07 CV 3560

CITY OF NEW YORK, ET AL.,

Plaintiff(s)

against

Defendant(s)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**  
SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at SUNNYSIDE, NEW YORK

That on 5/4/07 at 2:06 PM., at 100 CHURCH STREET, NEW YORK, NEW YORK—4TH FLOOR  
deponent served the within summons, and complaint on CITY OF NEW YORK defendant therein named,  
SEE ATTACHED RIDER NEW YORK CITY LAW DEPARTMENT

- INDIVIDUAL  
1. ☐ by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.
- CORPORATION  
2. ☒ a DOMESTIC corporation, by delivering thereat a true copy of each to GARRY JEAN-GILLES personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.
- SUITABLE AGE PERSON  
3. ☐ by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.
- AFFIXING TO DOOR, ETC.  
4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☐MAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐DESCRIPTION  
USE WITH  
1, 2, OR 3

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

<input checked="" type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input checked="" type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
5/4/07

IRVING BOTWINICK  
Notary Public, State of New York  
No. 01804657147  
Qualified in Rockland County  
Commission Expires Oct. 31, 2009

PRINT NAME BENEATH SIGNATURE  
DI CONG JIANG

License No. 1220800

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GENCO IMPORTING INC. D/B/A  
MANITOBA'S

Case No.  
07-CV-3560

RIDER TO AFFIDAVIT  
OF SERVICE

-AGAINST-

CITY OF NEW YORK, ET AL.,  
-----X

- SUMMONS IN A CIVIL CASE
- COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES
- CIVIL COVER SHEET
- RULE 7.1 DISCLOSURE STATEMENT
- INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK
- RULES OF JUDGE LEWIS A. KAPLAN

AO 440 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

# United States District Court

Southern

DISTRICT OF

New York

GENCO IMPORTING INC. d/b/a-Manitoba's

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

CITY OF NEW YORK, EMILY LLOYD, NEW  
YORK CITY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, NEW YORK  
CITY ENVIRONMENTAL CONTROL BOARD

07 CV 3560

JUDGE KAPLAN

TO: (Name and address of defendant)

City of New York  
New York City Law Department  
100 Church Street  
New York, NY 10007

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

David Zensky  
AKIN GUMP STRAUSS HAUER & FELD LLP  
590 Madison Ave.  
New York, NY 10022

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAY 03 2007

CLERK

*Marcos Quintero*

DATE

(BY) DEPUTY CLERK

COURT UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

GENCO IMPORTING INC. D/B/A MANITOBA'S

Index No. 07 CV 3560

Plaintiff(s)

against

CITY OF NEW YORK, ET AL.,

Defendant(s)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at CORONA, NEW YORK

That on 5/7/07 at 10:55 A.M., at 59-17 JUNCTION BLVD, FLUSHING, NEW YORK 19TH FL.

deponent served the within summons, and complaint on EMILY LLOYD defendant therein named,

SEE ATTACHED RIDER NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☒

by delivering thereat a true copy of each to BELINDA PATINA (CO-WORKER) a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILED ON: 5/8/07 AT 11:30 A.M.  
C/O NEW YORK CITY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

MAILING TO  
RESIDENCE  
USE WITH 3 OR 4

5A. ☐

MAILING TO  
BUSINESS  
USE WITH 3 OR 4

5B. ☒

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to and deposited defendant at defendant's last known residence, at

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly

addressed to defendant at defendant's actual place of business, at 59-17 JUNCTION BLVD, FLUSHING, N.Y. 11373 19TH

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore

the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the

communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1, 2, OR 3

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.

☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE

☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. ~~Recipient wore ordinary civilian clothes and no military uniform.~~ The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
5/8/07

IRVING BOTWINICK  
Notary Public, State of New York  
No. 01B04657147  
Qualified in Rockland County  
Commission Expires Oct. 31, 2009

PRINT NAME BENEATH SIGNATURE

JUAN D. AGUIRRE

License No. 843839

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GENCO IMPORTING INC. D/B/A  
MANITOBA'S

Case No.  
07-CV-3560

RIDER TO AFFIDAVIT  
OF SERVICE

-AGAINST-

CITY OF NEW YORK, ET AL.,  
-----X

- SUMMONS IN A CIVIL CASE
- COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES
- CIVIL COVER SHEET
- RULE 7.1 DISCLOSURE STATEMENT
- INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK
- RULES OF JUDGE LEWIS A. KAPLAN

COURT UNITED STATES DISTRICT COURT  
 COUNTY OF SOUTHERN DISTRICT OF NEW YORK

GENCO IMPORTING INC. D/B/A MANITOBA'S

Index No. 07 CV 3560

against  
 CITY OF NEW YORK, ET AL.,

Plaintiff(s)

Defendant(s)

**AFFIDAVIT OF  
 SERVICE OF SUMMONS  
 (AND COMPLAINT)**

SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at CORONA, NEW YORK

That on 5/7/07

at 10:55 AM., at 59-17 JUNCTION BLVD, FLUSHING, NEW YORK 19TH FL.

deponent served the within summons, and complaint on

NEW YORK CITY DEPARTMENT OF  
 ENVIRONMENTAL PROTECTION

defendant therein named,

SEE ATTACHED RIDER

INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☒

a DOMESTIC corporation, by delivering thereat a true copy of each to BELINDA PATINA

personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.

SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO  
 RESIDENCE  
 USE WITH 3 OR 4

SA. ☐

MAILING TO  
 BUSINESS  
 USE WITH 3 OR 4

SB. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
 USE WITH  
 1, 2, OR 3

☒

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
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	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
 NYC CIVIL CT.

☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
 SERVICE

☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
 5/8/07

IRVING BOTWINICK  
 Notary Public, State of New York  
 No. 01804657147  
 Qualified in Rockland County  
 Commission Expires Oct. 31, 2009

PRINT NAME BENEATH SIGNATURE

JUAN D. AGUIRRE

License No. 843839

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GENCO IMPORTING INC. D/B/A  
MANITOBA'S

Case No.  
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- SUMMONS IN A CIVIL CASE
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COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
GENCO IMPORTING INC. D/B/A MANITOBA'S

Index No. 07 CV 3560

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**  
SEE ATTACHED RIDER

Plaintiff(s)  
against  
CITY OF NEW YORK, ET AL.,

Defendant(s)

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at SUNNYSIDE, NEW YORK

That on 5/4/07

at 2:27 P.M., at 66 JOHN STREET, NEW YORK, NEW YORK-10TH FLOOR

deponent served the within summons, and complaint on NEW YORK CITY

defendant therein named,

SEE ATTACHED RIDER

ENVIRONMENTAL CONTROL BOARD

## INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

## CORPORATION

2. ☒

a DOMESTIC corporation, by delivering thereat a true copy of each to HENRY RODRIGUEZ personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.

## SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

## AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1, 2, OR 3☒

<input checked="" type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
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Other identifying features:

USE IN  
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

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SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

5/4/07

IRVING BOTWINICK  
Notary Public, State of New York  
No. 01BO4657147  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GENCO IMPORTING INC. D/B/A  
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AO 440 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

# United States District Court

*Ala. 1/2/07*  
Southern

DISTRICT OF

New York

GENCO IMPORTING INC. d/b/a Manitoba's

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

CITY OF NEW YORK, EMILY LLOYD, NEW  
YORK CITY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, NEW YORK  
CITY ENVIRONMENTAL CONTROL BOARD

07 CV 3560

JUDGE KAPLAN

TO: (Name and address of defendant)

New York City Environmental Control Board  
Attn. James Macron  
66 John Street, 9th Floor  
New York, NY 10038

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

David Zensky  
AKIN GUMP STRAUSS HAUER & FELD LLP  
590 Madison Ave.  
New York, NY 10022

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*Marcos Quintero*  
(BY) DEPUTY CLERK

DATE

MAY 03 2007